STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of BETH ANN KELLY, SEAN THOMAS KELLY, and HOLLY MARIE KELLY, Minors.

KATHRYN M. PIERCE and ALBERT K. PIERCE,

Petitioners-Appellees,

v

JOANN LOUGHNER,

Respondent-Appellant,

and

SEAN PATRICK KELLY,

Respondent.

UNPUBLISHED
August 4, 2005

No. 259853
Oakland Circuit Court
Family Division
LC No. 04-691203-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that at least one ground for termination was established by clear and convincing evidence. MCR 3.977(J). Because MCL 712A.19b(3) requires only that one ground for termination be established, this Court need not address both grounds and will address section (g).

When the children lived with respondent-appellant, petitioner Kathryn Pierce, the children's aunt, found them home alone (at ages four, three, and eighteen months), unkempt, and dirty with a pizza on the floor. Respondent-appellant gave the children to Pierce without much discussion and did not offer them even an affectionate good-bye. The children were behind in their immunizations and in need of other medical care. The children were also fairly violent and did not respond to their names. Five years after the children came to live with petitioners, the children looked to the Pierces for love, affection, and guidance. During that time, respondent-

appellant did not contact petitioners or the children in any way, although she had their phone number the whole time, had their address for most of the time, and knew how to contact Pierce's mother, who lived in the same state as respondent-appellant. Further, when Pierce first took the children, the agreement was that petitioners would keep the children until respondent-appellant could find a better job and place to live. Respondent-appellant never contacted petitioners to say that she was able to take the children, and she had five years to do so. Under these circumstances, the trial court did not clearly err in finding that section (g) was established by clear and convincing evidence.

Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was not in the children's best interests. *In re Trejo*, 462 Mich 341, 344; 612 NW2d 407 (2000). The children had not seen or heard from respondent-appellant in five years and were doing much better in petitioners' care.

Affirmed.

/s/ Brian K. Zahra
/s/ Hilda R. Gage
/s/ Christopher M. Murray